



General Assembly

February Session, 2016

**Substitute Bill No. 5386**

\* \_\_\_\_\_HB05386GAE\_\_\_\_\_031516\_\_\_\_\_\*

**AN ACT CONCERNING VOTES FOR CROSS ENDORSED CANDIDATES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Subsections (b) and (c) of section 9-242 of the general  
2 statutes are repealed and the following is substituted in lieu thereof  
3 (*Effective from passage*):

4       (b) [It] Any such voting tabulator shall be so constructed as to  
5 prevent an elector from voting for more than one person for the same  
6 office, except when the elector is lawfully entitled to vote for more than  
7 one person for that office, and [it] such voting tabulator shall afford the  
8 elector an opportunity to vote for only as many persons for that office  
9 as the elector is by law entitled to vote for, at the same time preventing  
10 the elector from voting for the same person twice. [It] Such voting  
11 tabulator shall be so constructed that all votes cast will be registered or  
12 recorded by the tabulator. In the event that a candidate is cross  
13 endorsed and an elector casts more than one vote for such candidate,  
14 such vote shall be deemed an unassigned vote and shall be attributed  
15 by the head moderator to the endorsing parties as provided for in this  
16 subsection. The head moderator shall (1) determine the percentage of  
17 all attributable votes the candidate received that are attributable to  
18 each endorsing party, (2) determine the number of ballots upon which  
19 an elector voted for the candidate more than once, and (3) apply the  
20 percentage determined under subdivision (1) of this subsection for an

21 endorsing party to the total determined under subdivision (2) of this  
22 subsection. The resulting number from the calculation under  
23 subdivision (3) of this subsection shall be the number of votes the head  
24 moderator attributes to the endorsing party associated with the  
25 percentage used in the calculation under subdivision (3) of this  
26 subsection. The head moderator shall repeat the calculation in  
27 subdivision (3) of this subsection for each endorsing party. For any  
28 result under subdivision (3) of this subsection that is a fractional  
29 number, the head moderator shall round such result to the nearest  
30 whole number, provided a half number shall be rounded to the next  
31 highest whole number, and provided further that each such endorsing  
32 party with a percentage greater than zero under subdivision (1) of this  
33 subsection shall [receive] be attributed at least one such vote, with the  
34 remaining parties [receiving] being attributed a proportional reduction  
35 in votes, if necessary. If any vote remains that can not be evenly  
36 attributed to such parties, such vote shall be attributed to the  
37 endorsing party with the most votes.

38 (c) Notwithstanding the provisions of subsection (b) of this section,  
39 the Secretary of the State may approve a voting tabulator which  
40 requires the elector in the polls to place the elector's ballot into the  
41 recording device and which meets the voluntary performance and test  
42 standards for voting systems adopted by (1) the Federal Election  
43 Commission on January 25, 1990, as amended from time to time, or (2)  
44 the Election Assistance Commission pursuant to the Help America  
45 Vote Act of 2002, P.L. 107-252, 42 USC 15481-85, as amended from time  
46 to time, whichever standards are most current at the time of the  
47 Secretary of the State's approval, and regulations which the Secretary  
48 of the State may adopt in accordance with the provisions of chapter 54,  
49 provided the voting tabulator shall (A) warn the elector of overvotes,  
50 (B) not record overvotes, and (C) not record more than one vote of an  
51 elector for the same person for an office. In the event that a candidate is  
52 cross endorsed and an elector casts more than one vote for such  
53 candidate, such vote shall be deemed an unassigned vote and shall be  
54 attributed by the head moderator to the endorsing parties as provided

55 for in this subsection. The head moderator shall (i) determine the  
 56 percentage of all attributable votes the candidate received that are  
 57 attributable to each endorsing party, (ii) determine the number of  
 58 ballots upon which an elector voted for the candidate more than once,  
 59 and (iii) apply the percentage determined under subparagraph (C)(i) of  
 60 this subsection for an endorsing party to the total determined under  
 61 subparagraph (C)(ii) of this subsection. The resulting number from the  
 62 calculation under subparagraph (C)(iii) of this subsection shall be the  
 63 number of votes the head moderator attributes to the endorsing party  
 64 associated with the percentage used in the calculation under  
 65 subparagraph (C)(iii) of this subsection. The head moderator shall  
 66 repeat the calculation in subparagraph (C)(iii) of this subsection for  
 67 each endorsing party. For any result under subparagraph (C)(iii) of  
 68 this subsection that is a fractional number, the head moderator shall  
 69 round such result to the nearest whole number, provided a half  
 70 number shall be rounded to the next highest whole number, and  
 71 provided further that each such endorsing party with a percentage  
 72 greater than zero under subparagraph (C)(i) of this subsection shall  
 73 [receive] be attributed at least one such vote, with the remaining  
 74 parties [receiving] being attributed a proportional reduction in votes, if  
 75 necessary. If any vote remains that can not be evenly attributed to such  
 76 parties, such vote shall be attributed to the endorsing party with the  
 77 most votes.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	9-242(b) and (c)
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**Statement of Legislative Commissioners:**

In Subsecs. (b)(1) and (c)(2)(C)(i), the new term "unassigned" was deleted and the existing term "attributable" was restored for accuracy.

**GAE**      *Joint Favorable Subst. -LCO*